

REMARKS/ARGUMENTS

This case has been carefully reviewed and analyzed in view of the Official Action dated 9 January 2006. Responsive to the rejections made in the Official Action, the independent Claim 1 has been thoroughly amended to distinguish the claimed subject invention from the cited prior art. Claim 2 has been amended to obviate the rejection under 35 U.S.C. § 112, second paragraph; and new dependent Claims 7 – 9 have been introduced into the case to further clarify the concept.

In the Official Action, the Examiner rejected Claim 2 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Accordingly, Claim 2 has been amended to replace the language “atop the case” with -- positioned at a top of said first walls of said first shell --. It is believed, that by the amendment to Claim 2, the paragraph 112, second paragraph rejection has been obviated.

Further, in the Official Action, the Examiner rejected Claims 1 – 6 under 35 U.S.C. § 102(e) as being anticipated by Witte et al., U.S. Patent 6,831,759.

Witte et al., the sole reference cited by the Examiner, is directed to an optical scanning device which includes a frame 52 and a glass platen 54 against which a document to be scanned is positioned during a scan operation. Disposed within the frame is a scanner module 60 mounted for scanning movement along axis 56 adjacent the undersurface of the platen 54. The scanner module 60

includes a source of illumination light for illuminating an area on the document, optical elements for directing reflected light from the document onto an optical sensor and a lens 70 for focusing the light onto the sensor 72. A shutter structure 80 is positioned over the module between the module 60 and the undersurface 54A of the platen 54. As shown in Figure 5, the scanner module 60 includes a housing 62 inside which the light sources 64, lens 70, mirrors 68 and the sensor 72 are all incorporated. The scanner module 60 reciprocates along the shutter structure 80.

It is respectfully submitted, that as disclosed and illustrated, the scanning device of Witte et al. fails to suggest, disclose or render obvious the structure which the Applicant regards as the invention. Specifically,

The scanner module in Witte et al. is a module composed of a single housing 62 which incorporates the light source, lens system, mirror system, and the sensor all in one housing 62.

The Examiner argues that in Witte et al., a scanning module is composed of a first shell which is the housing 62 of Figure 5 and a second shell which is the shutter 80 also of Figure 5.

The Applicant respectfully disagrees with such an interpretation of the structure of Witte et al. Particularly, in Witte, the shutter 80 is a flat structure positioned at the top of the scanner module 60.

In the present invention, as opposed to the Witte et al., the scanner module is composed of two shells 11 and 12, wherein the walls of the first shell 11

envelope the walls of the second shell 12 and define a channel within the first shell, wherein the second shell 12 reciprocates within the channel defined by the walls of the first shell 11.

This feature is completely missing in Witte et al. Indeed, the shutter 80 does not embrace the housing 62 and the shutter 80 does not define a channel within which the housing 62 reciprocates.

Further, in Witte et al., in contrast to the present invention, the lights, the mirror, the lens, and the sensor, are all positioned within the housing 62 of the scanner module 60. None of these elements are positioned at the shutter 80.

In the present invention, an image sensor is arranged in the first shell 11, while the mirror set is arranged at the second shell 12. Therefore, in the present invention, the light is guided within the second shell and is transferred from the second shell into the first shell to reach the image sensor which is positioned in the first shell. This feature is completely missing in Witte et al.

Furthermore, in the present invention, in contrast to Witte et al., when the front portion of the second shell 12 abuts the stopper 52, as is the case at the first scanning position, shown in Figure 1, the rear portion of the second shell 12 projects through the second edge of the first shell 11. Opposingly, in the second scanning position, shown in Figure 2, when the rear portion of the second shell abuts the stopper 53 of the outer casing 5 at the right inner wall thereof, the front portion of the second shell projects through the first edge of the first shell 11. This

is the result of the operational principles of the present device, in which, when the second shell 12 abuts to the stopper (52 or 53 of the outer casing 5), the first shell 11 continually moves a short distance (B – C in Figure 1, and D – A in Figure 2) towards the respective inner wall of the outer casing 5 beyond the edge (front or rear) of the second shell, thereby telescoping the front or the rear portion of the second shell 12 through the respective edge of the first shell 11 to project externally therefrom.

Such an arrangement permits added displacement (or movement) of the edge of the first shell towards the respective inner wall of the outer casing 5. This provides for an extended horizontal pathway of the light source 10 (which is located on the first shell 11) relative to the document 50, thereby extending the “scanning coverage” of the document by the scanner of the present invention without increasing the dimensions of the scanning module. This feature which, among others, is a major advantage of the present invention over the prior art and is completely missing in Witte et al.

Claim 1 has been amended to emphasize the distinguishing features of the present invention of the Witte et al. patent. Specifically, as amended, Claim 1 is limited to (inter alia):

“...a first shell and a second shell telescopically coupled each to the other, said first shell having first walls extending between first and second edges of said first shell, and said second shell having second walls extending between a front

and a rear portions of said second shell, said first walls of said first shell enveloping said second walls of said second shell and defining a channel within said first shell, wherein said second shell reciprocates within said channel defined by said first walls of said first shell...

an image sensor arranged in said first shell ...
a mirror set arranged in said second shell and guiding a reflected light from a document to be scanned to the image sensor in said first shell ...

... wherein said first shell telescopically moves outside and along said second walls of said second shell in said first and second scanning positions towards a respective inner wall of said outer casing a predetermined distance beyond a respective one of said front and rear portions of said second shell..."

These elements underlying the operational principles of the device of the present invention are not provided in the Witte et al. reference. Therefore, as Witte et al. fails to disclose each and every one of the claimed elements, it is not believed to anticipate nor provide obvious the invention of the subject Patent Application, as now amended. Claim 1, as amended, is therefore believed to be allowable and the same is respectfully urged.

New dependent Claims 7 - 9 have been introduced into the case. The new Claims 7 - 9, as well as original Claims 2 - 6, are dependent upon Claim 1. While it is believed that the dependent Claims 2 – 9 each adds further patentably distinct limitations, these claims are at least patentably distinct for at least the same

reasons as presented for Claim 1. Therefore, allowability of Claims 2 – 9 is respectfully requested.

For all of the foregoing reasons, it is now believed that the subject Patent Application has been placed in condition for allowance, and such action is respectfully requested.

Respectfully submitted,
For: ROSENBERG, KLEIN & LEE



Morton J. Rosenberg
Registration #26,049

Dated: 7 April 2006

Suite 101
3458 Ellicott Center Drive
Ellicott City, MD 21043
(410) 465-6678
Customer No. 04586